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Superior Court Of California
County Of

OCT 04 2018

Shawn R. Carter, Executive Officer/Clerk
By: Cristina Grijalva, Deputy

Attorneys for Plaintiff

NO FEE-GOV'T CODE 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

EDWARD T. CHEN, aka EDWARD CHEN and
CHEN EDWARD CHEN TE FANG, an individual;
JULIE K. CHEN, aka JULIE CHEN and CHEN
JULIE KUN YU, an individual; LILIA L. CHEN, aka
LILIA CHEN and CHEN LILIA LIHUI, an individual,
and DOES 1 through 50, inclusive,

Defendants.

CASE NO: **BC 7 2 4 3 9 7**

**COMPLAINT FOR ABATEMENT
AND INJUNCTION**

[HEALTH & SAFETY CODE
SECTION 11570, *ET SEQ.*]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California (the "People"), for the purpose of abating, preventing and enjoining a narcotics-related public nuisance existing at a Highland Park single-family dwelling with an address commonly known as 5314 Stratford Road, Los Angeles, California, 90042 (the "Property"). The Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, *et seq.* The illegal narcotics activity at the Property poses a threat to the surrounding community, including two community churches:

1 Highland Park 7th Day Adventist Church and Covenant Church of Los Angeles, both of which
2 are located within 1000 feet of the Property. This nuisance abatement prosecution is intended
3 to bring the dangerous situation at the Property to a halt and to make the neighborhood safer
4 for its residents.

5 2. The Property, owned by Defendants EDWARD T. CHEN and JULIE K. CHEN
6 ("Property Owner Defendants"), was purchased four years ago for approximately \$635,000. It
7 is a well-maintained and remodeled 2-bedroom craftsman home located on a quiet block with
8 similar type homes. Property Owner Defendants' 43-year-old daughter, Defendant LILIA
9 CHEN ("Defendant CHEN"), resides at the Property and is the sole tenant. Defendant CHEN
10 is a twice convicted drug dealer, with the most recent conviction for felony narcotics sales in
11 February 2017.

12 3. On September 6, 2018, the Los Angeles Police Department's ("LAPD") Narcotics
13 Enforcement Detail ("NED") served a search warrant at the Property and recovered a total of
14 seven-and-a half (7.5) pounds of crystal methamphetamine, worth approximately \$28,000.00.
15 During execution of the warrant, officers also recovered two semi-automatic firearms,
16 hundreds of live rounds of ammunition, numerous sealed packages of crystal
17 methamphetamine, one hundred thirty-five (135) rectangular tablets of Alprazolam ("Xanax"),
18 multiple scales, a vacuum/heat sealing machine and two large plastic rolls of un-used vacuum
19 sealed bags. The NED officers determined one of the bedrooms to be a "methamphetamine
20 factory room" due to the extensive amount of pre-packaged methamphetamine that was
21 vacuumed sealed and ready for distribution.

22 4. Additional items recovered during the search warrant included a book written by
23 Tom Wainwright, Narconomics, How to Run a Drug Cartel. Officers also recovered an
24 undated letter from an inmate, who, at the time, was incarcerated in a local jail. The letter
25 instructed Defendant CHEN to dissolve methamphetamine in water, pour it into a bottle and
26 spray the water infused methamphetamine on to paper or greeting cards. The inmate further
27 instructed Defendant CHEN to mail the paper and/or cards to him at the jail where he could
28 then sell them for \$1000 a sheet. During service of the warrant, officers did in fact recover

1 several baggies containing greeting cards, as well as a 5x7 blank sheet of paper in the oven,
2 all of which were subsequently tested and found to contain methamphetamine.

3 5. Defendant CHEN, who was present during service of the search warrant, was
4 arrested and is currently being prosecuted for felony narcotics and firearm violations in Los
5 Angeles Superior Court, case number BA471322. Bail was set at \$180,000.00 and Defendant
6 CHEN bailed out of custody the day after her arrest.

7 6. The unlawful activity at the Property is not isolated to this one incident. The
8 presence of narcotics at the Property attracts drug users, drug dealers and gang members to
9 the neighborhood, thereby, further endangering the community. In fact, on January 27, 2018,
10 Northeast Area Detectives Gang Enforcement Detail ("GED") informed the NED unit that they
11 were investigating a home invasion robbery that occurred at the Property. Defendant CHEN
12 and another individual were the alleged victims of the robbery, where jewelry and electronics
13 were reportedly taken from locations at the Property where large amount of narcotics were
14 found during the search warrant. Defendant CHEN made several references alluding to the
15 fact that the robbery was possibly gang and/or narcotics related, although she refused to
16 elaborate or provide additional information.

17 II. THE PARTIES AND THE PROPERTY

18 A. Plaintiff

19 7. Plaintiff, the People, is the sovereign power of the State of California designated
20 in California Health and Safety Code section 11571 to be the complaining party in actions
21 brought to abate, enjoin, and penalize narcotics nuisances.

22 B. The Defendants

23 8. Property Owner Defendants, EDWARD T. CHEN and JULIE K. CHEN, both in
24 their early 70's, have been co-owners of the Property since at least June 10, 2014. These
25 Defendants do not live at the Property, rather, their 43-year-old daughter, Defendant LILIA
26 CHEN, a convicted drug dealer, resides at the Property, and is the sole tenant. Upon
27 information and belief, Defendant CHEN has resided at the Property since at least 2015.

28 9. Defendant CHEN has an extensive criminal history involving narcotics and has

1 previously been convicted of:

- 2 (A) Possession of methamphetamine with intent to sell (Health and Safety Code
- 3 section 11378) on February 27, 2017;
- 4 (B) Possession of methamphetamine (Health and Safety Code section 11377(A)) on
- 5 September 22, 2016;
- 6 (C) DUI: Drug (Vehicle Code section 23152(E)) and possession of PCP (Health and
- 7 Safety Code section 11550(A)) on November 15, 2016;
- 8 (D) DUI: Alcohol with prior vehicular manslaughter (Vehicle Code sections 23152(A)
- 9 and 23152(B)) on December 16, 2014;
- 10 (E) Possession of methamphetamine with intent to sell (Health and Safety Code
- 11 section 11378) on January 28, 2013; and
- 12 (F) Transporting/selling a controlled substance (Health and Safety Code section
- 13 11379(A)) and possession of a controlled substance for sale (Health and Safety
- 14 Code section 11378) on March 30, 2001.

15 10. The true names and capacities of defendants sued herein as Does 1 through 50,
16 inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
17 names. When the true names and capacities of said defendants have been ascertained,
18 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious
19 names the true names and capacities of said fictitiously named defendants.

20 **C. The Property**

21 11. The Property is a one-story, single family home located at the commonly known
22 address of 5314 Stratford Road, Los Angeles, California 90042. The Property's legal
23 description is "LOT(S) 4 OF TRACT NO. 5843, IN THE CITY OF LOS ANGELES, COUNTY
24 OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 64,
25 PAGE(S) 40 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY",
26 with Assessor's Parcel Number 5479-012-004.

27 **III. THE NARCOTICS ABATEMENT LAW**

28 12. The abatement of a nuisance is a long established and well-recognized exercise

1 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
2 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
3 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
4 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
5 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
6 division" (Health & Saf. Code, § 11570.)

7 13. The NAL provides that every building or place used for the purpose of unlawfully
8 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
9 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
10 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
11 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
12 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

13 14. Health and Safety Code section 11571 authorizes a city attorney to bring an
14 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
15 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
16 maintained, or exists in any county, the district attorney of the county, or the city attorney of
17 any incorporated city or of any city and county, in the name of the people, may . . . maintain an
18 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or
19 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
20 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

21 15. Health and Safety Code section 11573(a) provides that: "If the existence of the
22 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
23 complaint or affidavit, the court or judge *shall* allow a temporary restraining order or injunction
24 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added). In
25 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
26 removal and sale of all fixtures and movable property on the premises used in aiding or
27 abetting the nuisance and for the closure of the building for up to one year. Health and Safety
28 Code section 11573.5(b) also provides that an injunction issued pursuant to 11573 may

1 include closure of the premises pending trial when a prior order does not result in the
2 abatement of the nuisance.

3 **IV. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

4 **[Health and Safety Code Section 11570, *et seq.*--**

5 **Against All Defendants and DOES 1 through 50]**

6 16. Plaintiff hereby incorporates by reference paragraphs 1 through 15 of this
7 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

8 17. The Property is *currently* being used for the purposes of unlawfully selling,
9 serving, storing, keeping, manufacturing or giving away controlled substances in violation of
10 Health and Safety Code section 11570, *et seq.*

11 18. Defendants, and DOES 1 through 50, are responsible for conducting,
12 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has
13 no plain, speedy and adequate remedy at law and unless Defendants, and DOES 1 through
14 50, are restrained and enjoined by order of this Court, Defendant CHEN will continue to use,
15 occupy and maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation
16 and maintenance of the Property, together with the fixtures and appurtenances located therein,
17 for the nuisance complained of herein, to the great and irreparable damage of the public and in
18 violation of California law.

19 **PRAYER**

20 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
21 **DECREE AS FOLLOWS:**

22 **AS TO THE FIRST CAUSE OF ACTION**

23 1. That Defendants, DOES 1 through 50, and the Property, be declared in violation
24 of Health and Safety Code section 11570, *et seq.*

25 2. That the Property, together with the fixtures and moveable property therein and
26 thereon, be found to constitute a public nuisance and be permanently abated as such in
27 accordance with Section 11581 of the California Health and Safety Code.

1 3. That the Court grant a preliminary injunction, permanent injunction and order of
2 abatement in accordance with Section 11570, *et. seq.* of the California Health and Safety
3 Code, enjoining and restraining each Defendant and their agents, officers, employees and
4 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing,
5 or giving away controlled substances on the Property, and/or directly or indirectly maintaining
6 or permitting such nuisance activity.

7 4. That the court order physical and managerial improvements to the Property in
8 accordance with Health and Safety Code section 11573.5, and such orders as are otherwise
9 appropriate, to remedy the nuisance on the Property and enhance the abatement process,
10 including but not limited to, the following: termination of LILIA CHEN's tenancy at the Property
11 and a prohibition on her being within 1,000 feet of the Property at any time, for any reason;
12 prohibiting known narcotics users and dealers from accessing the Property; and strict
13 limitations on who else may be present on the Property at all times.

14 5. That as part of the Judgment, an Order of Abatement be issued, and the
15 Property be closed for a period of one year, not to be used for any purpose, and be under the
16 control and custody of this Court for said period of time; or in the alternative, if the Court
17 deems such closure to be unduly harmful to the community, that Defendants, and DOES 1
18 through 50, pay an amount of damages equal to the fair market rental value of the Property for
19 one year to the City or County in whose jurisdiction the nuisance is located in accordance with
20 Health and Safety Code section 11581 subdivision (c)(1).

21 6. That each Defendant and Does 1-50 each be assessed a civil penalty in an
22 amount not to exceed twenty-five thousand dollars (\$25,000.00) each.

23 7. That all fixtures and moveable property used in conducting, maintaining, aiding or
24 abetting the nuisance at the Property be removed by the LAPD and sold in the manner
25 provided for the sale of chattels under execution. Said fixtures and property shall be
26 inventoried and a list prepared and filed with this court.

1 8. That there shall be excepted from said sale, such property to which title is
2 established in some third party not a defendant, nor agent, officer, employee or servant of any
3 defendant in this proceeding.

4 9. That the proceeds from said sale be deposited with this court for payment of the
5 fees and costs of sale. Such costs may occur in closing said Property and keeping it closed,
6 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such
7 other costs as the Court shall deem proper.

8 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
9 allowances, the Property shall also be sold under execution issued upon the order of the court
10 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
11 monies remaining after payment of approved costs shall be delivered to the owner of said
12 Property. Ownership shall be established to the satisfaction of this court.

13 11. That Defendants, DOES 1 through 50, and any agents, trustees, officers,
14 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
15 enjoined from transferring, conveying, or encumbering any portion of the Property, for
16 consideration or otherwise, without first obtaining the Court's prior approval.

17 12. That Defendants, and DOES 1 through 50, be ordered to immediately notify any
18 transferees, purchasers, commercial lessees, or other successors in interest to the subject
19 Property of the existence and application of any temporary restraining order, preliminary
20 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
21 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
22 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
23 the subject of this Action.

24 13. That Defendants, and DOES 1 through 50, be ordered to immediately give a
25 complete, legible copy of any temporary restraining order and preliminary and permanent
26 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
27 to the Property.

28 14. That Defendants, and DOES 1 through 50, be ordered to immediately request

1 and procure signatures from all prospective transferees, purchasers, lessees, or other
2 successors in interest to the subject Property, which acknowledges his/her respective receipt
3 of a complete, legible copy of any temporary restraining order, preliminary and permanent
4 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
5 Office, c/o Deputy City Attorney Kim Erickson or her designee.

6 15. That Plaintiff recover the costs of this action, including law enforcement
7 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
8 \$1,000,000.00, from Defendants and DOES 1 through 50.


9 16. That Plaintiff recover the amount of the filing fees and the amount of the fee for
10 the service of process or notices which would have been paid but for Government Code
11 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
12 amount of the fees for certifying and preparing transcripts.

13 17. That Plaintiff be granted such other and further relief as the Court deems just and
14 proper.

15
16 DATED: October 4, 2018

Respectfully submitted,

17
18 MICHAEL N. FEUER, City Attorney
19 JONATHAN CRISTALL, Superv. Assist. City Attorney

20 By: 
21 KIMBERLY A. ERICKSON
22 Attorneys for Plaintiff, THE PEOPLE OF THE
23 STATE OF CALIFORNIA
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